

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

WOLLMUTH MAHER & DEUTSCH LLP

Paul R. DeFilippo, Esq.
500 Fifth Avenue
New York, New York 10110
Telephone: (212) 382-3300
Facsimile: (212) 382-0050
pdefilippo@wmd-law.com

JONES DAY

Gregory M. Gordon, Esq.
Brad B. Erens, Esq.
Dan B. Prieto, Esq.
Amanda Rush, Esq.
2727 N. Harwood Street
Dallas, Texas 75201
Telephone: (214) 220-3939
Facsimile: (214) 969-5100
gmgordon@jonesday.com
bberens@jonesday.com
dbprieto@jonesday.com
asrush@jonesday.com
(Admitted *pro hac vice*)

ATTORNEYS FOR DEBTOR

In re:

LTL MANAGEMENT LLC,¹

Debtor.

Chapter 11

Case No.: 23-12825 (MBK)

Judge: Michael B. Kaplan

Hearing Date and Time:

June 27, 2023 at 9:00 a.m.

**DEBTOR'S RESPONSE TO TCC'S OBJECTIONS
TO DEBTOR'S DEPOSITION DESIGNATIONS FOR ANDREW BIRCHFIELD**

LTL Management LLC, the above-captioned debtor (the “Debtor”), files this response to the Official Committee of Talc Claimants’ (the “TCC”) objections to the Debtor’s

¹ The last four digits of the Debtor’s taxpayer identification number are 6622. The Debtor’s address is 501 George Street, New Brunswick, New Jersey 08933.

designations of portions of Andrew Birchfield's May 30, 2023 deposition. The following chart provides the Debtor's designation, the TCC's objection, and the Debtor's response.

Debtor's Designations	TCC Objections	Debtor's Response
16:6-11		
17:5-17		
18:20-19:22	Hearsay	<ul style="list-style-type: none"> The document asked about (Deposition Ex. 1) is Exhibit 175 on Debtor's Exhibit List, which the TCC has not objected to.
22:3-23:13	Best evidence	
23:15-25	Document not admitted	<ul style="list-style-type: none"> Deposition Ex. 1 is a party admission, and, therefore, a hearsay objection is inapplicable. The Best Evidence Rule is also inapplicable because the contents is not in dispute.
24:3-17		
25:11-16		
25:23-26:3	Hearsay	<ul style="list-style-type: none"> This questioning also covers Deposition Ex. 1, which is Exhibit 175 on Debtor's Exhibit List, and the TCC has not objected to.
26:8-13	Document not admitted	
26:15-27:16	Attorney Work Product	<ul style="list-style-type: none"> Deposition Ex. 1 is a party admission, and, therefore, a hearsay objection is inapplicable. Nothing in this designation is privileged.
28:3-20		
32:15-18	Hearsay	<ul style="list-style-type: none"> This questioning also covers Deposition Ex. 1, which is Exhibit 175 on Debtor's Exhibit List, and the TCC has not objected to.
33:8-25	Document not admitted	<ul style="list-style-type: none"> Deposition Ex. 1 is a party admission, and, therefore, a hearsay objection is inapplicable.
35:19-24	Attorney Work Product	<ul style="list-style-type: none"> Nothing in this designation is privileged. This designation only covers attorney's question.
36:13-38:3		
38:10-12	Attorney Work Product	<ul style="list-style-type: none"> Nothing in this designation is privileged.
38:16-23	Attorney Client Privilege	<ul style="list-style-type: none"> This designation only covers attorney's questions and objections.
47:5-9	Foundation	<ul style="list-style-type: none"> The document asked about (Deposition Ex. 2) is Exhibit 172 on Debtor's Exhibit List, which the TCC has not objected to.
47:19-25	Hearsay	
48:12-48:23	Best Evidence Document not Admitted	<ul style="list-style-type: none"> Deposition Ex. 2 is a party admission, and, therefore, a hearsay objection is inapplicable. The Best Evidence Rule is also inapplicable because the contents is not in dispute. Questioner established Birchfield's personal knowledge sufficient to answer and the foundational objection is unsupported.

Debtor's Designations	TCC Objections	Debtor's Response
48:23-49:5	Foundation	<ul style="list-style-type: none"> Questioner established Birchfield's personal knowledge sufficient to answer and the foundational objection is unsupported.
51:25-52:14	Incomplete Hypothetical	<ul style="list-style-type: none"> Proper foundation was given for questioning.
54:3-55:12	Foundation	<ul style="list-style-type: none"> Nothing in this designation is privileged.
55:23-56:14	Hearsay Attorney Work Product Assumes facts not in evidence	<ul style="list-style-type: none"> Deposition Ex. 2 is a party admission, and, therefore, a hearsay objection is inapplicable. Questioner established Birchfield's personal knowledge sufficient to answer, and the foundational objection is unsupported.
60:13-20	Foundation	<ul style="list-style-type: none"> Nothing in this designation is privileged.
61:5-11	Hearsay Attorney Work Product Assumes facts not in evidence	<ul style="list-style-type: none"> Deposition Ex. 2 is a party admission, and, therefore, a hearsay objection is inapplicable. Questioner established Birchfield's personal knowledge sufficient to answer, and the foundational objection is unsupported.
61:22-62:2	Attorney Client Privilege	<ul style="list-style-type: none"> Nothing in this designation is privileged.
62:7-12	Attorney Work Product	<ul style="list-style-type: none"> The examiner asks the witness if he is refusing to answer based on privilege instruction.
62:15-18		<ul style="list-style-type: none"> The only testimony provided by the witness is that he refuses to answer.
62:21-24		
63:3-6	Attorney Client Privilege	<ul style="list-style-type: none"> Nothing in this designation is privileged.
63:12-15	Attorney Work Product	<ul style="list-style-type: none"> The examiner asks the witness if he is refusing to answer based on privilege instruction. The only testimony provided by the witness is that he refuses to answer.
68:18-69:3		
71:23-74:2	Speculation	<ul style="list-style-type: none"> Proper foundation was given for questioning.
74:4-10	Hypothetical	
88:4-20		
89:14-91:7	Foundation	<ul style="list-style-type: none"> The document asked about (Deposition Ex. 5) is Exhibit 176 on Debtor's Exhibit List, which the TCC has not objected to.
92:14-94:16	Best Evidence	<ul style="list-style-type: none"> Deposition Ex. 5 is a party admission, and, therefore, a hearsay objection is inapplicable.
94:18-19	Document not Admitted	<ul style="list-style-type: none"> The Best Evidence Rule is inapplicable because the contents is not in dispute.
95:2-5	Attorney Work Product Rule 408 Offer to Compromise	<ul style="list-style-type: none"> Questioner established Birchfield's personal knowledge sufficient to answer and the foundational objection is unsupported. The examiner did not reveal any Rule 408 communication.

Debtor's Designations	TCC Objections	Debtor's Response
97:11-18		
99:6-20	Attorney Work Product	<ul style="list-style-type: none">• Nothing in this designation is privileged.
100:11-101:11	Rule 408 Offer to Compromise	<ul style="list-style-type: none">• The examiner did not reveal any Rule 408 communication.
101:20-102:6	Misstates Prior Testimony	<ul style="list-style-type: none">• Prior testimony was not misstated.

Dated: June 26, 2023

WOLLMUTH MAHER & DEUTSCH LLP

/s/ Paul R. DeFilippo

Paul R. DeFilippo, Esq.
James N. Lawlor, Esq.
Joseph F. Pacelli, Esq. (admitted *pro hac vice*)
500 Fifth Avenue
New York, New York 10110
Telephone: (212) 382-3300
Facsimile: (212) 382-0050
pdefilippo@wmd-law.com
jlawlor@wmd-law.com
jpacelli@wmd-law.com

JONES DAY

Gregory M. Gordon, Esq.
Dan B. Prieto, Esq.
Amanda Rush, Esq.
2727 N. Harwood Street
Dallas, Texas 75201
Telephone: (214) 220-3939
gmgordon@jonesday.com
dbprieto@jonesday.com
asrush@jonesday.com
(Admitted *pro hac vice*)

ATTORNEYS FOR DEBTOR